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Engineers and Land Surveyors on  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
SCOTT M. BLEEKER, P.L.S.	:	
License No. GS36229	:	CONSENT ORDER
	:	
TO PRACTICE LAND SURVEYING	:	
IN THE STATE OF NEW JERSEY	:	
	:	

THIS MATTER was opened to the New Jersey State Board of Professional Engineers and Land Surveyors upon receipt of information that the Respondent, Scott M. Bleeker, P.L.S., engaged in professional misconduct.

More specifically, the record reveals that Respondent prepared a survey dated August 11, 1996 on behalf of Curtis Benedetto and

Gayle Benedetto (the "Benedettos") for property located in Mahwah, New Jersey in connection with a property transfer. At that time, Respondent did not set the property corner markers and, further, his survey included a corner marker waiver notation. However, Respondent testified that he does not have a signed corner marker waiver and the Benedettos state that they never signed such a waiver.

Thereafter, on or about October 2, 2007, the Benedettos contacted the Respondent to set the property corner markers in order that they could put in a fence. They paid a retainer of \$600.00 to the Respondent. However, Respondent testified that because of new information which conflicts with his 1996 survey, he has been unable to set the property corner markers. To date, Respondent has not set the property corner markers or returned the retainer to the Benedettos.

Additionally, Respondent testified that he has not completed the 24 professional development hours (PDHs) required for the 2008-2010 biennial renewal period. The record reveals that Respondent has completed only 4 of the required 24 PDHs.

As a result of the foregoing, the Board has determined that Respondent is in violation of:

1. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(d) in that Respondent failed to set the property corners markers in 1996 and,

further, improperly included the corner marker waiver notation on his survey.

2. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(i) in that Respondent failed to prepare a metes and bounds description in connection with the 1996 property transfer.

3. N.J.S.A. 45:8-35.9 and N.J.A.C. 13:40-11.3 in that Respondent failed to complete the required PDHs for the 2008-2010 biennial renewal period.

**IT NOW APPEARING** that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

**IT IS ON THIS** 21<sup>st</sup> day of JUNE, 2010, **ORDERED AND AGREED AS FOLLOWS:**

1. Respondent's license to practice professional land surveying in the State of New Jersey shall be, and hereby is, suspended for a period of one (1) year effective the date of the filing of this Consent Order, to be stayed in its entirety and served as a period of probation.

2. During the probationary period, Respondent agrees that in the event he violates any provision of this Consent Order, or is determined to be in violation of any statute and/or regulation which the Board administers, then Respondent's license to practice

land surveying in the State of New Jersey shall be automatically suspended without a hearing, in addition to any other limitations or restrictions as the Board deems appropriate. Additionally, Respondent has an affirmative duty to immediately inform the Board in writing of any potential or actual violations. Within five (5) days of notification of the suspension, Respondent may seek a hearing by written application to the Board limited to the sole issue of violation of this Consent Order.

3. Respondent shall pay a total civil penalty of One Thousand Five Hundred Dollars (\$1,5000.00) as follows:

A. \$500.00 in connection with his violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(d).

B. \$500.00 in connection with his violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(i).

C. \$500.00 in connection with his violation of N.J.S.A. 45:8-35.9 and N.J.A.C. 13:40-11.3.

Monthly installments of Five Hundred Dollars (\$500.00) shall be made by certified check or money order payable to the "State of New Jersey" and forwarded to Arthur Russo, Executive Director, State Board of Professional Engineers & Land Surveyors, 124 Halsey Street, 3<sup>rd</sup> Floor, Newark, New Jersey 07102. The initial monthly installment shall be made at the time of signing this Consent Order and thereafter the remaining instalments shall be due and payable on the 1<sup>st</sup> day of each month. In the event that Respondent fails

to make any required monthly installment, then the full amount shall become immediately due and owing and a Certificate of Debt shall be issued.

4. Respondent shall immediately pay investigative costs of One Hundred Fifty Dollars (\$150.00). Payment shall be made by certified check or money order payable to the "State of New Jersey" and forwarded to Arthur Russo, Executive Director, State Board of Professional Engineers & Land Surveyors, 124 Halsey Street, 3<sup>rd</sup> Floor, Newark, New Jersey 07102.

5. Respondent shall immediately pay restitution of Six Hundred Dollars (\$600.00). Payment shall be made by certified check or money order payable to "Curtis Benedetto and Gayle Benedetto" and forwarded to Arthur Russo, Executive Director, State Board of Professional Engineers & Land Surveyors, 124 Halsey Street, 3<sup>rd</sup> Floor, Newark, New Jersey 07102.

6. Within ninety (90) days of the filing date of this Consent Order, Respondent shall provide proof of successful completion, to the Board's satisfaction, of eight (8) hours of continuing education courses in the area of ethics and eight (8) hours in the area of boundary resolution and monuments, which shall be pre-approved by the Board. Said continuing education shall not count towards any biennial renewal period.

7. Within ninety (90) days of the filing date of this Consent Order, Respondent shall provide proof of successful

completion, to the Board's satisfaction, of 20 PDHs which shall fulfill the requirements for the 2008-2010 biennial renewal period.


8. Within sixty (60) days of the filing date of this Consent Order, Respondent shall provide proof of successful completion of an examination of applicable regulations and statutes to be administered at the Board Office at 124 Halsey Street, Newark, New Jersey.

NEW JERSEY STATE BOARD OF PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS

By: \_\_\_\_\_

  
Barry S. Jones, PLS  
Board President

I hereby consent to the  
form and entry of this  
Consent Order.

  
RONALD J. BRANDMAYR, JR., ESQUIRE  
Attorney for Respondent,  
Scott M. Bleeker, P.L.S.

I have read and I understand  
this Consent Order and agree to be  
bound by its terms. I further  
hereby consent to the entry of  
this Consent Order.

  
SCOTT M. BLEEKER, P.L.S.